## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	$\overline{\mathbf{V}}$	Discourt.	U.S.
Glenn Brown		Team # 1	201307413	$\square$	Abuse	$\overline{\mathbf{V}}$	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	1	F	Precinct:	18	Mo. SOL	EO SOL
Thursday, 08/15/2013 7:45 AM		Inside East 105th Stree	et L Train Station		69		/15/2015	2/15/2015
Date/Time CV Reported		CV Reported At:	How CV Reported	 :	Date/Time		eived at CCl	
Thu, 08/15/2013 8:16 AM	CCRB Phone			Thu, 08/15	/201	3 8:16 AM		
Complainant/Victim	Туре	Home Addre	255					
Complaniant Victini	Турс							
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. SGT Abraham Badillo	00568	936162	069 PCT					
2. POM Quentin Saxon	05172	947466	069 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Philogene Breville	03121	940974	069 PCT					
2. POM Troy Peacock	17690	940553	069 PCT					
Officer(s)	Allegatio	on			Inve	stiga	ator Recon	nmendation
A.SGT Abraham Badillo	Abuse: S § 87(2)(b)	gt. Abraham Badillo sto	opped § 87(2)(b)	and				
B.POM Quentin Saxon	Abuse: P	O Quentin Saxon stopp	ed <sup>§ 87(2)(b)</sup> and	§ 87(2	2)(b)			
C.POM Quentin Saxon	Abuse: P	O Quentin Saxon search	ned § 87(2)(b)					
D.SGT Abraham Badillo	Abuse: Sgt. Abraham Badillo searched \$87(2)(b) s bag.							
E.SGT Abraham Badillo	Abuse: Sgt. Abraham Badillo searched § 87(2)(b)							
F.SGT Abraham Badillo	Abuse: Sgt. Abraham Badillo frisked \$87(2)(b)							
G.SGT Abraham Badillo	Off. Language: Sgt. Abraham Badillo made remarks to based upon race.							
H.SGT Abraham Badillo	Discourte § 87(2)(b)	esy: Sgt. Abraham Badi		usly	to			
§ 87(4-b), § 87(2)(g)								
§ 87(2)(g), § 87(4-b)								

## **Case Summary** On August 15, 2013, § 87(2)(b) and § 87(2)(b) filed this complaint with the CCRB via telephone. On August 15, 2013, at approximately 7:43 am, Sgt. Abraham Badillo and PO Quentin Saxon stopped \$87(2)(b) and \$87(2)(b) inside the East 105th Street L train station in Brooklyn and the following allegations resulted: Allegation A) Abuse of Authority: Sgt. Abraham Badillo stopped § 87(2)(b) Allegation B) Abuse of Authority: PO Quentin Saxon stopped \$87(2)(b) and § 87(2)(b) § 87(2)(b), § 87(2)(g) Allegation C) Abuse of Authority: PO Quentin Saxon searched § 87(2)(6) Allegation E) Abuse of Authority: Sgt. Abraham Badillo searched §87(2)(6) § 87(2)(b), § 87(2)(g) Allegation D) Abuse of Authority: Sgt. Abraham Badillo searched § 87(2)(b) s bag. Allegation F) Abuse of Authority: Sgt. Abraham Badillo frisked \$87(2)(6) § 87(2)(b), § 87(2)(g) Allegation G) Offensive Language: Sgt. Abraham Badillo made remarks to \$87(2)(b) based upon race. Allegation H) Discourtesy: Sgt. Abraham Badillo spoke discourteously to \$87(2)(b) § 87(2)(b), § 87(2)(g) § 87(4-b), § 87(2)(g) § 87(4-b), § 87(2)(g)

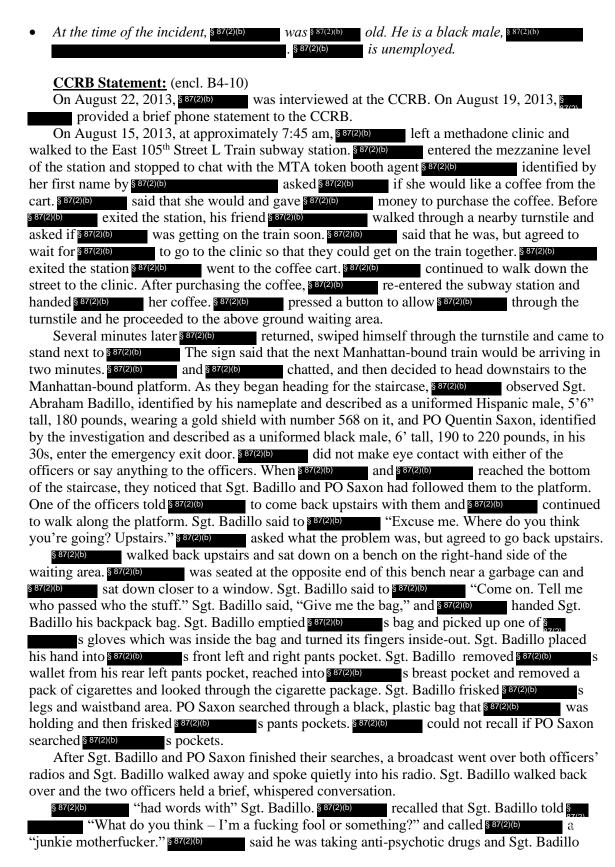
**Results of Investigation** 

and § 87(2)(b) declined to have this complaint mediated.

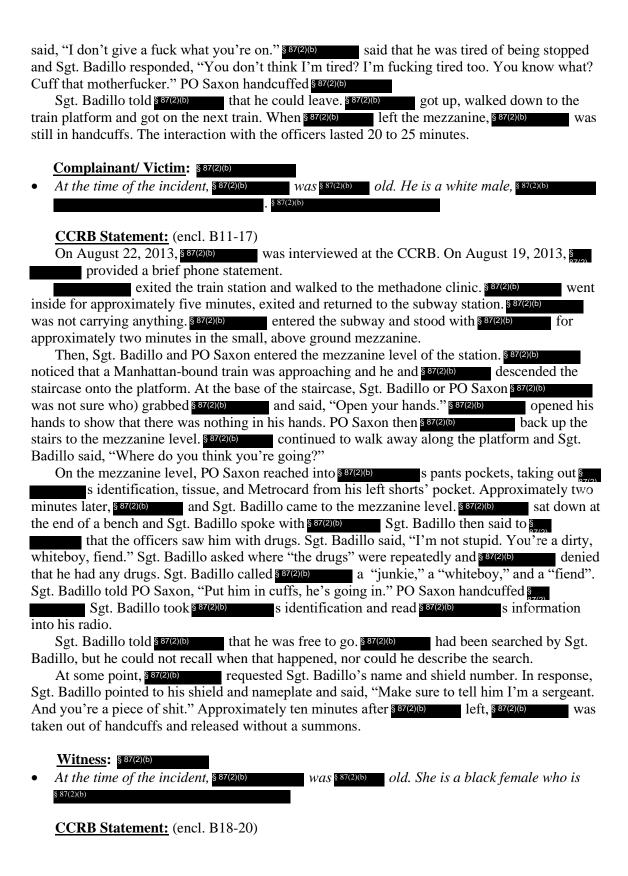
**Civilian Statements** 

Complainant/ Victim: § 87(2)(b)

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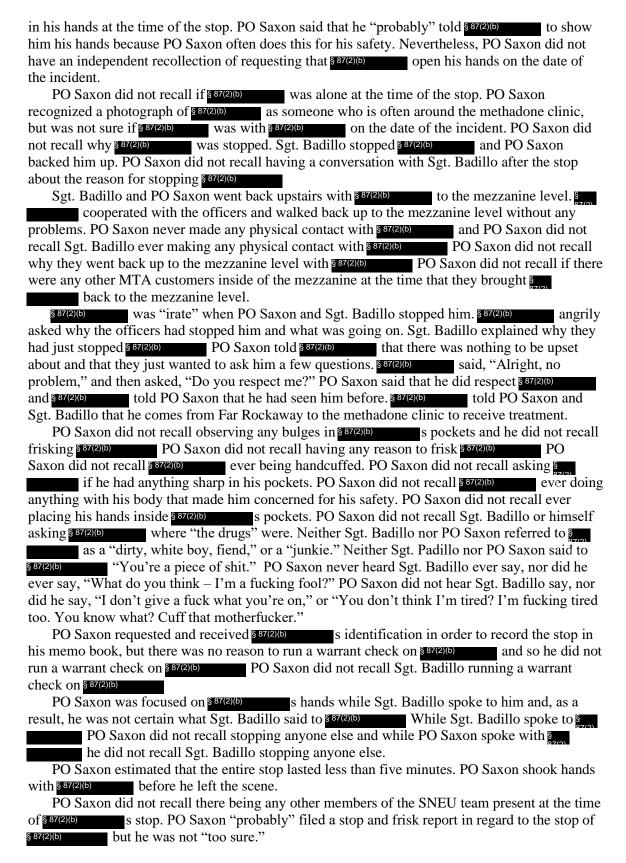


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On December 12, 2013, \$\frac{87(2)(0)}{2}\$ was interviewed at the CCRB. On July 25, 2013 at approximately 7:35 am, inside the East 105 <sup>th</sup> Street L train station in Brooklyn, \$\frac{87(2)(0)}{2}\$ was working inside the station's token booth.  The day before coming to her interview at the CCRB, \$\frac{87(2)(0)}{2}\$ spoke with \$\frac{87(2)(0)}{2}\$ regarding his complaint. \$\frac{87(2)(0)}{2}\$ told \$\frac{87(2)(0)}{2}\$ that he had been stopped by police officers on the platform and was then brought back up to the mezzanine level, where he was searched.  \$\frac{87(2)(0)}{2}\$ had an independent recollection of \$\frac{87(2)(0)}{2}\$ being searched next to the benches, insofar as she recalled it happening, but could not recall many specifics. \$\frac{87(2)(0)}{2}\$ said \$\frac{87(2)(0)}{2}\$ was searched near the left-hand set of benches inside the subway system. \$\frac{87(2)(0)}{2}\$ stated that the officers "went through" \$\frac{87(2)(0)}{2}\$ s bag and frisked \$\frac{87(2)(0)}{2}\$ s pants pockets \$\frac{87(2)(0)}{2}\$ s interaction with the officers lasted approximately 20 to 30 minutes. \$\frac{87(2)(0)}{2}\$ was with \$\frac{87(2)(0)}{2}\$ at the time (though she speculated that he was). \$\frac{87(2)(0)}{2}\$ was not able to describe or identify the officers who stopped \$\frac{87(2)(0)}{2}\$ did not hear any conversation between the officers and \$\frac{87(2)(0)}{2}\$ during the incident.
NYPD Statements:
Subject Officer: OFFICER QUENTIN SAXON  • At the time of the incident, PO Saxon was \$87(2)(5)
• On August 15, 2013, PO Saxon worked from 5:00 am to 3:15 pm, was assigned to SNEU with Sgt. Badillo, was dressed in uniform, and was assigned to a marked van, RMP #8741.  Memo Book: (encl. C1-3) On August 15, 2013, PO Saxon noted in his memo book that at 8:35 am, he stopped \$87(2)(b) at the East 105 <sup>th</sup> Street/ Farragut Road train station. \$87(2)(b)
number was § 87(2)(b)
On April 23, 2014 and August 21, 2014, PO Saxon was interviewed at the CCRB.  On August 15, 2013, at approximately 8:35 am, PO Saxon observed "hanging around" the methadone clinic that is located on the northeast corner of East 105th Street and Farragut Road in Brooklyn. This is an intersection that is known to the SNEU team as a common location for the sale of pills, marijuana, heroin, and methadone, which is why he was part of a SNEU operation in that area. PO Saxon was inside the mezzanine level of the East 105th Street L train station, looking southward out of a large window in the mezzanine of the train station that faces down East 105th Street towards Farragut Road. PO Saxon was with Sgt. Badillo at the time. That was "hanging around" the methadone clinic is what first drew PO Saxon's attention to save and this was the only thing that drew PO Saxon's attention to save and this was the only thing that drew PO Saxon's attention to save and this was the only thing that drew PO Saxon's attention to save and descended the stairs to the platform after save had entered the subway system and descended the stairs to the platform. Sgt. Badillo had a conversation with while they were down on the train platform, though PO Saxon remained on the mezzanine level and did not hear what Sgt. Badillo said to save be save be save be save though he still did not hear what Sgt. Badillo discussed with save po Saxon did not recall what the first thing was that he said to save be save and did not recall what the first thing was that he said to save be save and did not recall what the first thing was that he said to save be save and did not recall what the first thing was that he said to save and did not recall what the first thing was that he said to save and did not recall save be save and did not recall what the first thing was that he said to save and did not recall save be save and did not recall what the first thing was that he said to save and did not recall save be save and did not recall what the first thing was that he s



The SNEU operation's observation post often parks in a parking lot across Farragut Road from the methadone clinic and makes observations from the back of a vehicle. PO Saxon did not recall receiving a radio transmission regarding §87(2)(b) prior to the stop.

#### Subject Officer: SERGEANT ABRAHAM BADILLO

- At the time of the incident, Sgt. Badillo was §87(2)(b)
- On August 15, 2013, Sgt. Badillo worked from 5:00 am to 1:57 pm as the SNEU Supervisor and was dressed in uniform. Sgt. Badillo was working with a seven-man team, utilizing between two and three police vehicles, though he was not assigned to one specific vehicle, nor did he know which vehicles in particular were being used.

#### Memo Book: (encl. C10-12)

Sgt. Badillo did not have an entry in his memo book regarding this incident.

#### **CCRB Statement:** (encl. C13-14)

On December 18, 2013, Sgt. Abraham Badillo was interviewed at the CCRB. Sgt. Badillo did not have an independent recollection of this incident. Sgt. Badillo recognized a photograph of but not of \$87(2)(b) regularly sells controlled substances in the area. Sgt. Badillo was given a brief description of the incident as described by \$87(2)(b) and Sgt. Badillo recalled stopping \$87(2)(b) on a different occasion inside the East 105th Street subway station, but did not recall stopping \$87(2)(b) or \$87(2)(b) on August 15, 2013. Sgt. Badillo denied stopping \$87(2)(b)

#### **NYPD Documents**

#### MISD Search Results and NYS Trooper Check: (encl. G2 and G6)

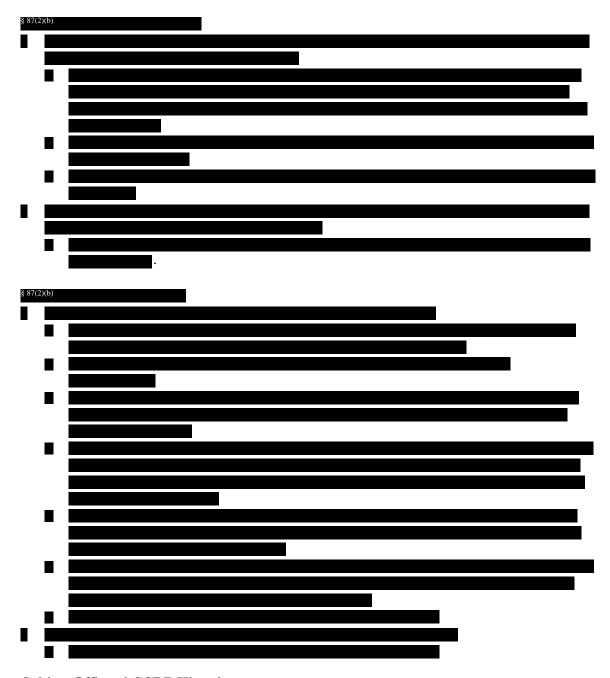
Requests for warrant check information performed for \$87(2)(b) and and \$87(2)(b) on August 15, 2013 were returned with negative results.

#### Handwritten/ Computerized Stop, Question, and Frisk Log and Reports: (encl. G4-5)

Requests for computerized and handwritten Stop, Question, and Frisk reports for were returned with negative results from MAS and the 69<sup>th</sup> Precinct. Requests for computerized and handwritten Stop, Question, and Frisk logs were also returned with negative results.

#### **Status of Civil Proceedings**

• \$87(2)(b) and \$87(2)(b) have not filed a Notice of Claim with the City of New York as of June 26, 2014 with regard to the incident (encl. E1).



### **Subject Officers' CCRB Histories**

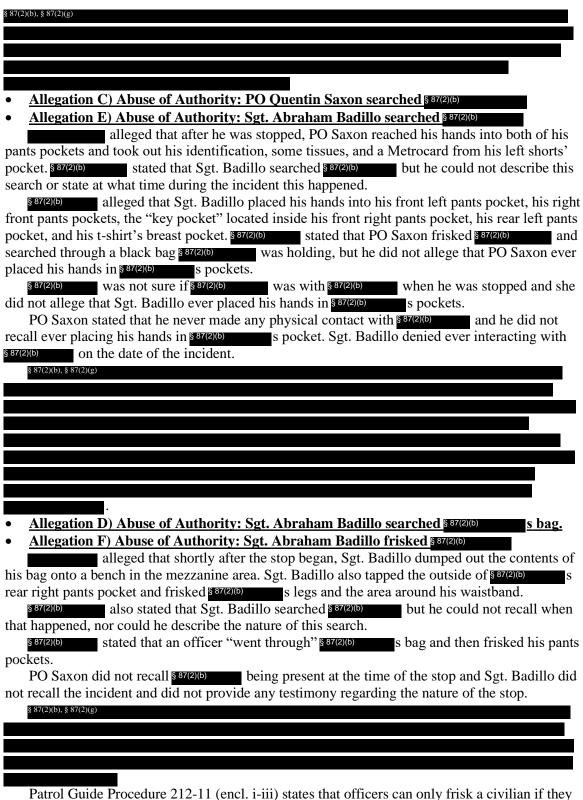
- PO Saxon has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. A1).
- Sgt. Badillo has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. A2-3).

### **Conclusion**

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PO Saxon acknowledged interacting with \$87(2)(b) and he fits the description provided by \$37(2)(b) and \$87(2)(b) Therefore, Allegations B and C have been pled against him.  Though Sgt. Badillo stated that he did not recall stopping \$87(2)(b) or \$87(2)(b) or \$87(2)(b) and \$87(2)(b) both provided his name when they filed the complaint and PO Saxon stated that he was with Sgt. Badillo when \$87(2)(b) was stopped. Therefore, Allegations A, D, E, F, G, and H have been pled against him.
Allegations Not Pled  Soft(2)(b) alleged that while he was being searched by Sgt. Badillo, PO Saxon searched through a black, plastic bag that Soft(2)(b) was holding and then he frisked the outside of spants pockets. Because Soft(2)(b) the victim of these allegations, did not allege that PO Saxon frisked him or searched through a bag he was holding, neither of these allegations have been pled.
<ul> <li>Investigative Findings and Recommendations</li> <li>Allegation A) Abuse of Authority: Sgt. Abraham Badillo stopped \$87(2)(b)</li> </ul>
§ 87(2)(b)
• Allegation B) Abuse of Authority: PO Quentin Saxon stopped \$87(2)(b) and \$87(2)(b)
and \$37(2)(b) both stated that after they had separately gone to the methadone clinic, gotten a coffee and met up inside of the subway station, they descended to the Manhattan-bound train tracks together. Towards the bottom of the stairs, Sgt. Badillo and PO Saxon stopped them and instructed them to come back to the mezzanine level and both of them complied. \$37(2)(b) and \$37(2)(b) both stated that \$37(2)(b) sat down on a bench after he was stopped. \$37(2)(b) recalled seeing \$37(2)(b) interact with police officers on the mezzanine level of the subway near the same bench specified by \$37(2)(b) in his statement.  \$37(2)(b) did not recall if \$37(2)(b) was with \$37(2)(b) at the time of this stop, though she speculated that he was.  PO Saxon noted in his memo book that he stopped \$37(2)(b) and during his interview he stated that he observed \$37(2)(b) was with \$37(2)(b) and during his interview he stated that he never suspected \$37(2)(b) of a crime and did not recall the reason for the stop. PO Saxon stated that Sgt. Badillo decided to stop \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and that he just backed him up. PO Saxon never discussed the reason for \$37(2)(b) and the date of the incident and specifically denied stopping \$37(2)(b) and the position of \$37(2)(b) and the position of \$37(2)(b) and the position of \$37(2)(b) and
and \$87(2)(b) jointly filed their initial complaint to the CCRB just over 30 minutes from the time of the incident and their accounts regarding the nature of the stop were largely consistent. Furthermore, \$87(2)(b) also recalled seeing \$87(2)(b) interact with police officers on the mezzanine level of the subway station.  Patrol Guide Procedure 212-11 (encl. i-iii) requires that officers must reasonably suspect an individual has committed, is committing, or is about to commit a crime in order to stop him.  \$87(2)(b). \$87(2)(g)

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<u>Patrol Guide Procedure 212-11</u> (encl. i-iii) states that officers can only frisk a civilian if they reasonably suspect that he is armed and that officers can only search someone if they a frisk reveals an object which might be a weapon.

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§ 87(2)(b), § 87(2)(g)
<ul> <li>Allegation G) Offensive Language: Sgt. Abraham Badillo made remarks to \$87(2)(6)</li> </ul>
based upon race.
Allegation H) Discourtesy: Sgt. Abraham Badillo spoke discourteously to \$37(2)(b)
alleged that once he and \$87(2)(b) were stopped, Sgt. Badillo asked \( \) "What do you think – I'm a fucking fool or something?" and then that he called \( \) a "junkie motherfucker." Later, \( \) \$87(2)(b) announced that he was taking antipsychotic drugs and Sgt. Badillo said, "I don't give a fuck what you're on." \$87(2)(b) said that he was tired of being stopped and Sgt. Badillo responded, "You don't think I'm tired? I'm fucking tired too. You know what? Cuff that motherfucker."  \$87(2)(b) alleged that Sgt. Badillo told him, "I'm not stupid. You're a dirty, whiteboy, fiend." \$87(2)(b) asked Sgt. Badillo why he was "picking" on him and Sgt. Badillo said, "Because you're a junkie." Toward the end of their interaction, Sgt. Badillo told \$87(2)(b) "You're a piece of shit."  PO Saxon denied that Sgt. Badillo made any of these remarks and Sgt. Badillo said that he did not have any interaction with \$87(2)(b) or \$87(2)(b) str(2)(c) on the date of the incident.
• § 87(2)(g), § 87(4-b)
\$ 97/AVA\ \$ 97/4 b\
• § 87(2)(g), § 87(4-b)
Team:1

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Investigator:		
Signature	Print	Date
Supervisor:		
Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print	Date